

CITY OF TAKOMA PARK, MARYLAND
(Adopted 3/28/05)

PRESENTATION, REGULAR MEETING, WORKSESSION & CLOSED SESSION
OF THE CITY COUNCIL

Monday, December 13, 2004

OFFICIALS PRESENT:

| | |
|---------------------------|---|
| Mayor Porter | City Manager Matthews |
| Councilmember Austin-Lane | City Clerk / Treasurer Waters |
| Councilmember Barry | City Attorney Silber |
| Councilmember Elrich | Public Works Manager Lott |
| Councilmember Mizeur | Deputy Public Works Manager Braithwaite |
| Councilmember Seamens | Engineer Ali Khalilian |
| Councilmember Williams | ECD Director Daines |
| | Police Chief Creamer |

COUNCIL COMMENTS

Mayor Porter acknowledged Councilmember Williams receipt of the Washington Area Council of Government's 2004 Elizabeth and David Scull Metropolitan Public Service Award. She thanked Mr. Williams for his representation of the city on COG.

ADDITIONAL AGENDA ITEMS

No additional agenda items.

ADOPTION OF MINUTES

Minutes of 1/28/04; 2/2/04; 2/9/04; 3/1/04; 3/8/04 were adopted upon motion by Seamens, seconded by Williams (VOTING FOR: Porter, Barry, Elrich, Seamens, Williams; ABSENT: Austin-Lane, Mizeur).

PUBLIC COMMENTS

Hank Prensky distributed to the Council magnet calendars with dates of 2005 city events and noted the events listed.. He commented on the positive reaction he has received.

Erwin Mack, Exec. Director of the Takoma Langley Crossroads Development Authority, commented on the Carroll Avenue Streetscape Project. He is pleased for the Carroll Avenue area residents and businesses, but noted that in the Crossroads area, Holton Lane remains neglected. Some work has been done there, more will be done as a result of the Easy Storage construction, but the rest of the work has been neglected. The work on Holton Lane should be

done as the Easy Storage work is done. Please help to make Holton Lane more attractive.

Ms. Porter asked how much will it cost?

Mr. Mack responded \$50-60,000 for streetlights, I believe.

Ms. Porter agreed to follow up on the request.

PRESENTATION

1. Update on the Community Center Construction Project

Ms. Matthews presented her updated financial report, which includes information on all pending change orders. The major ones in the works are 1074 (bad soil between the Library and the Municipal Building); and 1075 (electrical and mechanical issues). Our experience shows that the amounts tend to change. This shows a \$497,000 funding shortfall, \$986,000 in pending change orders.

REGULAR MEETING

2. Resolution re: Appointments to the Citizens Liaison Committee to the Community Center.

Mr. Seamens said that he has a concern about the process by which the Council is appointing people. In addition, Mr. Seamens commented on the importance of the committee complying with the Open Meetings Act.

Ms. Porter said we will add notice of the meetings to the rolling agenda. If there are no additional appointments at this time, the item is unnecessary.

Seth Grimes, Willow Avenue, commented that he has an issue with the process. He stated his belief that it is the exception, rather than the rule, for city committees to record and publish minutes in compliance with the Open Meetings Act. He also said that the Council made a rule for itself, that notice of all committee vacancies will be placed in the City Newsletter. The Council made a rule for itself, to standardize the appointments to committees, just two years ago. You are breaking the rule by not giving the public notice you agreed upon.

Ms. Porter noted that the Council has agreed that we will add any other interested people who come forward. I don't think the resolution was meant to tie the Council's hands and throw up a bureaucratic roadblock. I would be happy to appoint anyone who comes forward and is interested.

Mr. Grimes commented further that there is a need to set a consistent process. What is the point of a consistent process if you willy nilly break the rules? How are you going to reach people and

give them notice if you don't publish in the newsletter?

City Attorney Silber suggested that Council has three ways to proceed. There is a resolution that sets procedures; we need to be mindful of this. We could amend the policy because since the newsletter is the only notice provided for, at this time of year it constrains us. When we need to give notice, we sometimes have alternatives of posting, e-mail, Councilmember contact, the Voice. You might want to amend that procedural resolution. You could have a specific resolution for this committee, you could waive the requirements of Resolution 2002-24 because of the unique elements. You could make this appointment fit the resolution by providing adequate notice, and ratify the appointments later.

Mr. Seamens asked if the appointments are invalid at this point?

Ms. Silber replied that the resolution doesn't say appointments are null and void. I would suggest you decide to ratify what you did without the notice, or not. It is your choice.

Mr. Williams commented that these are not mutually exclusive. We can also expand the ways we publicize committees.

Mr. Elrich stated that he is happy to do all three. He agrees with Mr. Williams.

Ms. Porter summarized that it is not the sense of the Council for the committee to stop work in the interim.

3. 2nd Reading Ordinance re: Chapter 6. Housing to Address Electrical Service for Air Conditioning in Rental Housing Facilities

ECD Director Daines commented that- Council directed that we amend the Takoma Park Code, Housing, Article 4, expanding the obligations of a landlord regarding air conditioning. They will be required to continue to provide air conditioning whether they had provided air conditioning or whether they had permitted the tenant to provide it. This will not permit the landlord to remove air conditioning, and if the lease is silent, then air conditioning must be provided.

Motion by Seamens; seconded by Elrich.

Ordinance 2004-36 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Mizeur).

Ordinance 2004-36 (Attached)

4. 2nd Reading Ordinance re: Emergency Preparedness Committee

Motion by Elrich; second by Seamens.

Ordinance #2004-31 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Mizeur).

**Ordinance #2004-31
(Attached)**

5. 2nd Reading Ordinance re: Rents Analyst

Motion by Seamens; second by Williams.

Ordinance #2004-34 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Mizeur).

**Ordinance #2004-34
(Attached)**

6. 2nd Reading Ordinance re: Updated/Reformatted City Code

Ms. Porter noted that the ordinance adopting the new City Code includes the errata sheet.

Motion by Barry; second by Seamens.

Ordinance #2004-37 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Mizeur).

**Ordinance #2004-37
(Attached)**

7. 2nd Reading Ordinance re: Amending the Takoma Park Code to Increase Parking Violation Fines

Motion by Williams; second by Seamens.

Ordinance #2004-38 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Mizeur).

**Ordinance #2004-38
(Attached)**

8. 2nd Reading Ordinance re: FY05 Budget Amendment No. 1

Motion by Elrich; second by Williams.

Ordinance #2004-33 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Mizeur).

**Ordinance #2004-33
(Attached)**

9. Consent Agenda

A. Resolution effecting appointments to the Ethics Commission (#2004-64)

B. Resolution effecting appointments to the Safe Roadways Committee (#2004-65)

C. Resolution effecting appointments to the Tree Commission (#2004-66)

D. Resolution Setting Forth Council's 2004 Holiday Recess (#2004-67)

The Consent Agenda was moved by Williams; second by Barry.

The Consent Agenda was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Mizeur).

**Resolutions #2004-64; #2004-65; #2004-66; #2004-67
(Attached)**

WORKSESSION

10. Update on Street Repairs

Al Lott, Ali Khalilian, and Daryl Braithwaite were present for the discussion.

Mr. Lott reported on the progress of the street rehabilitation project. On Central Avenue, we were able to put four inches of base and two inches of surface, preventing street failure. Costs are running a bit below our estimate. We've been able to conduct more concrete work and more sidewalk work. We re-did sidewalks on Maple and in other areas. We still have a contingency for streets that need a lot of sub-base work. Mr. Khalilian will produce an updated list for mid-February. We'll proceed with work in the spring.

Ms. Porter asked Mr. Lott if they are doing more streets up front?

Mr. Lott replied that they have been able to do more streets up front, and more sidewalk work as well.

Mr. Williams asked what is the distribution of streets that need subgrade work? How much

might we get into trouble thinking that we're running ahead, spending that money, then realizing that we have more streets that need the below grade work.

Ms. Braithwaite referred to the street study assessment. It was only as good as their technology at the time. On Central Avenue, we saw that the street study was incorrect. We're getting most of the fair and poor streets now. We don't anticipate running into a lot of problems.

Mr. Williams said I'm thinking of the more recent streets, where they still look good, but there are problems underneath.

Ms. Braithwaite said we can do a spot repair in some of those cases, and see what happens over the next few years.

Mr. Williams asked that staff be certain that the City Engineer has access to the information on the history of what was installed when and to what spec.

Mr. Seamens commented positively on the progress that has been made with the organization and the improvements to the streets. He wondered if we can begin to address the stormwater issues in the same way. If we need to do stormwater work in some areas, it may make sense to do that work before the road work.

Mr. Lott responded that before we do street work, we do an analysis of the stormwater component. He provided a further explanation of activities.

Ms. Austin-Lane commended staff for the crosswalks on Maple Avenue. It looks like a treatment that will last longer.

Ms. Braithwaite said it is supposed to last the life of the pavement. We would like to see this in other areas of the city.

Ms. Austin-Lane encouraged Ms. Braithwaite to work with the State on installations in other areas of the city. She remarked about the repaving that has been taking place in her ward.

Mr. Lott commented on the paving along Maple Avenue in Ward 1 and the complications with speed humps and raised crosswalks. We will address these issues further this Spring.

Ms. Austin-Lane said the notice to residents was very well received. For those who do not have e-mail, it would be good to send written notice.

Mr. Lott credited Ms. Braithwaite for the communications. That was a really big project for an organization of our size. Ms. Braithwaite was the initial chief planner who did the communications. Mr. Khalilian came on board and added to the team effort.

Ms. Austin-Lane added that we should not forget the work of the City Arborist.

Ms. Mizeur thanked staff for the hard work and attention to details. There has been a lot of success in her ward. To largest extent possible, we should keep residents informed of projects and any delays. It would go a long way in keeping people happy. On the issue of speed humps, as we are going through and repaving streets that have had speed humps, there have been instances where there appears to be a need for a policy that dictates the timing for reinstallation of speed humps. I would like to see some consistency in the speed hump. It seems that overall, there should be a consistent policy on size. She noted one on Devonshire. Ms. Mizeur continued that she would like the City to have a policy on relocation of speed humps.

Ms. Mizeur also commented on a location at Lincoln and Elm where there is a need for repainting. Families in that area have inquired about the cost to raise that island. She thanked staff for their work on the water problem at Flower and Garland. She received some positive feedback on leaf collection, and some negative feedback.

Mr. Lott said we have a standard for speed humps. We have evaluated the humps in the city. We have shaved some down. The contractor put in a couple of perfect humps on Hickory, but then put in the wrong size humps on Devonshire.

Mr. Lott commented further on leaf collection. Because of way that process played out this year, we had to focus on the call-ins. There were days with hundreds of call-ins. If it appears that there were selective collections, it was because the crews were given a list of call-ins before returning to their route.

There was additional discussion of leaf collection. Mayor Porter agreed to schedule an agenda item on the topic in the new year. Staff was asked to come back with recommendations for improvement.

Ms. Braithwaite addressed a point raised by Ms. Mizeur about painted traffic zones. As we move forward with street reconstruction, we would want to make the painted lines real, but would first contact the Councilmember and engage in a community discussion. Elm Avenue is a street where we are waiting for WSSC to finish its work. There is a lot to be done. We can contact WSSC about their timeline for work.

BREAK

Council recessed for a scheduled break at 9:00 p.m. and reconvened at 9:22 p.m.

11. Community Center Financing

Ms. Matthews noted that one item that Council expressed interest in reviewing was the City Newsletter. Information related to the policy of the newsletter has been provided to the Council. Bob Guldin, the editor, and Lonni Moffet, Communications Manager, are present for the discussion.

Mr. Guldin noted the comments made over the past couple of weeks about the content of the Newsletter. He has been the editor for a little over two years. The Newsletter has two kinds of purposes: (1) must do purpose – to announce City programs, events, hearings, vacancies on committees, etc. and (2) to act as a forum for community issues – in a balanced way. There is room for opinion pieces. When took this job (September 2002) he said that wanted to make the Newsletter more interesting and lively. He has tried to cover the basics and have some coverage of broader community issues. He said it is his feeling that a lot of issues faced by the city are not open/shut matters. He has focused on the expansion of WAH and aspects of the community center development in past couple of years. He has tried to write informative issues, and has also tried to have some fun with the Newsletter. Mr. Guldin encouraged the Council to think about the broader community involvement in the Newsletter.

Ms. Moffet said she has found that the Newsletter has been the vehicle for community notification of Council-directed initiatives, such as police topics, ECD projects, emergency preparedness, etc. This is a way to get out information out about what staff is doing. Sometimes 12 pages is not enough and articles have to be rejected. If the Newsletter is assumed to be a tool of providing information to the community, then it is being used by staff and supplemented by Mr. Guldin's articles. The resolution regarding the management of the Newsletter, encouraging that staff be given the discretion to make decisions about the content, is a useful tool. During budget season, we talked about including questions in the community survey that would be geared toward communications. The other suggestion would be to re-establish the community group to review the Newsletter. Each issue, not including freelancers, is just shy of \$5,000. The total cost is around \$55,000 per year. Staff preparation time varies, depending upon the content of the articles.

Ms. Austin-Lane commented that she raised this last week as something that she wanted to consider. She has gotten feedback that people are not reading the Newsletter, that the Newsletter is too long, and that when people are quoted in the Newsletter, it seems to them that the related article is too much of a propaganda piece. We will continue to get that criticism as long as the content goes toward journalism.

Mr. Guldin agreed that this is a problem that is built into this genre of organizational journalism. He said he tries to include a balance of viewpoints.

Mr. Seamens commented that Mr. Guldin has stated eloquently a characterization of the newsletter. Mr. Seamens said he would support cutting the newsletter back to the eight page edition.

Mr. Elrich said there is a question about whether eight pages would allow room for notices and articles. The Newsletter has served the community well. I don't always agree with the articles, but it is useful to the community. On occasion, the council has requested articles on specific topics. Our paper does a good job of providing some good and some bad information, not just puffery.

Mr. Williams said he thinks that Newsletter is doing a great job and he supports the current length. He would be willing to remain hands-off, as a Council, about the content. He said he agrees with Mr. Elrich's comments.

Mr. Barry referred to the copies of old Newsletters that chronicle the community center project. As long as the editor pays attention to the competitors and other media in the area, and does not try to compete, then the Newsletter plays a positive role. It should provide a perspective that is not found readily in the marketplace. The examples I reviewed are objective and factual. If Council were to support a cut in pages, I would not want that sense of history lost.

Ms. Porter commented that it is her understanding is that when Sammy Abbott put together the Newsletter, he was thinking of it as an organizing tool. He wanted to get people involved in the community. We have to remember that the e-mail list and cable channel do not reach a significant portion of the city. I do not think there is a magic number to the pages. However, the newsletter has functioned as a communication tool to reach the residents of the city. We are trying to get information out in a way that is available, accessible and interesting.

Ms. Moffet said that cutting the number of pages would not change the postage. The layout cost would be reduced by about \$400. Printing might go down by about \$250. If we had fewer freelance writers and photos, the cost might be reduced by \$300. We may save about \$600-900 per issue.

In response to questions from Ms. Austin-Lane, Ms. Moffet said a \$5,000 per year decrease might mean a change from 11 to 10 issues if we keep the pages at 12. 13,000 issues are printed; 11,000 plus are mailed. Some go outside of the city because of the zip code. We will be meeting with the Postmaster about the delivery. Going from 12 to eight pages would save \$600 - \$900 per issue.

Mr. Elrich asked if there is any interest in exploring two pages of paid advertisements from city-only businesses, and using the revenues to off-set the cost of the publication.

Ms. Austin-Lane suggested a shorter publication with more broad scope of articles available via web site link.

Ms. Mizeur said we are talking about doing a special mailing right now because we do not have a newsletter that is timely. Would it change anything with respect to postage if decided to only mail special notices.

Ms. Moffet said we would not lose our permit.

Ms. Mizeur questioned the "doubling" of notice that took place with leaf collection.

Mr. Guldin responded that the additional mailing was not done out of the communications office; however, it is a good idea to use as many communication resources as possible to convey

information.

Ms. Mizeur said she would be in support of some type of cut-back and leave the decision to staff about how to make the cut.

Ms. Austin-Lane said she would support some type of cut-back. It should still come out monthly. She would like to see it become more attractive and interesting. She thinks that the front pages does that, but she is not sure that people go beyond the front page.

Ms. Porter made an alternative suggestion. We could convene another group to evaluate the Newsletter and have them make recommendations to the Council. Since it is the main way of communicating with residents, the issue involves more than just a question of money. This is a fairly serious service level issue that should not be taken lightly.

Ms. Austin-Lane requested a straw vote.

Mr. Williams commented that if we had changed the fine violations by even a small increment "more," it would cover the savings that we are discussing with the Newsletter. With that in mind, he said he would not support a savings in the newsletter.

Ms. Porter called for straw vote. Councilmembers Austin-Lane, Barry, Mizeur, and Seamens were in favor of continued exploration.

Ms. Matthews commented that staff is exploring the option of an increase in the rental license fee. There was also a question about sanitation charges which is being researched by staff.

Ms. Austin-Lane said she appreciates the information on the county charges for sanitation services. She requested additional information on this subject.

Ms. Matthews said she will have more information for Council after the recess. She will also provide the additional information promised concerning the Landlord-Tenant Specialist.

Mr. Seamens asked about the resident survey.

Ms. Matthews said she projects that the survey will go out in late spring or early summer.

Ms. Austin-Lane asked for an update on the status of the mailing about the community center and financing.

Ms. Matthews described the status of the project. Council will need to address the issue of bonding for the community center project. Charlie Day has recommended that if we decide to proceed, we advertise the higher amount and then scale back if necessary. I would suggest that the issuance cost as well as other administrative fees be included in the amount advertised.

Ms. Porter clarified that tonight's decision would be whether to advertise the proposed bond, not a decision on whether to bond.

There was consensus to proceed with the advertisement.

ADJOURNMENT / CLOSED SESSION

The Council adjourned for the evening at 10:34 p.m. and immediately convened in Closed Session.

CLOSED SESSION 12/13/04 - Motion by Austin-Lane; seconded by Barry. The Council voted to convene in closed session at 10:40 p.m. in the Municipal Building Administration Office (1) to receive legal advice on the Planning Board's extension to preliminary approval of subdivision plan; (2) to discuss redistribution of work to employees; and (3) to discuss the results of an investigation into employee misconduct (pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) and (8)(1)(i)). (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams). OFFICIALS PRESENT: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams. STAFF/OTHERS PRESENT: Suzanne Ludlow (#1 only); Robert Inerfeld (#1 only); Barbara Matthews, Susan Silber. ACTIONS TAKEN: (1) The Council agreed on a legal strategy. (2) The Council received a briefing from the City Manager. (3) The Council received a briefing from the City Manager.
